

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARVIN OLIVER OTTEY

Petitioner,

v.

IMMIGRATION AND
NATURALIZATION SERVICE

Respondent.

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CIVIL ACTION

NO. 02-4378

ORDER

AND NOW, this day of , 2002, upon consideration of the Government's supplemental response to Petitioner's Writ of Habeas Corpus, and any response thereto, it is hereby ORDERED that the petition for writ of habeas corpus is DENIED as moot, and the petition is hereby DISMISSED.

BY THE COURT:

RONALD L. BUCKWALTER
Judge, United States District Court

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARVIN OLIVER OTTEY	:	
	:	
Petitioner,	:	
	:	
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	:	
IMMIGRATION AND	:	NO. 02-4378
NATURALIZATION SERVICE	:	
	:	
Respondent.	:	

**GOVERNMENT'S SUPPLEMENTAL RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

The United States of America, by its attorneys, Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, and Susan R. Becker, Assistant United States Attorney for the District, on behalf of respondent, the Immigration and Naturalization Service ("the Service"), hereby files this supplemental response to Marvin Oliver Ottey's Petition for Writ of Habeas Corpus and moves the Court to dismiss the Petition as moot.

Petitioner Marvin Oliver Ottey, a native and citizen of Jamaica, filed a petition for writ of habeas corpus on June 27, 2002 challenging his detention by the Service during his deportation proceedings. The Service filed a response to the petition indicating that the petition was moot because Mr. Ottey was eligible for release upon payment of a \$15,000 bond pursuant to a March 28, 2002 Order of the Immigration Judge. The Service has since learned that petitioner paid the \$15,000 bond on July 24, 2002, and has now been released.¹

¹ The documentation relating to petitioner's release was attached to undersigned counsel's letter to the Court dated August 13, 2002.

As the only issue petitioner was challenging in the habeas petition was his detention by the Service, and he is no longer in Service custody due to his payment of the \$15,000 bond, the petition is now moot.

WHEREFORE, the government respectfully requests the Court to enter an Order denying the petition as moot and dismissing the petition.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

JAMES G. SHEEHAN
Assistant United States Attorney
Chief, Civil Division

Dated: August , 2002

SUSAN R. BECKER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the day of August, 2002, I caused a true and correct copy of the foregoing Government's Supplemental Response to Petition for Habeas Corpus to be served by first-class mail, postage prepaid, upon the following:

Mr. Marvin Oliver Ottey
233 Creston Avenue
Apartment 4-A
Bronx, NY 10468

Pro se petitioner

Susan R. Becker